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9 Attorneys for Plaintiffs
 CISCO SYSTEMS, INC. and
 10 CISCO TECHNOLOGY, INC.

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 CISCO SYSTEMS, INC., a Delaware
 corporation, and CISCO TECHNOLOGY,
 15 INC., a California corporation,

16 Plaintiffs,

17 v.

18 DEXON COMPUTER, INC., a Minnesota
 corporation,
 19

20 Defendant.

Case No. 3:20-cv-04926 CRB

**DECLARATION OF MICHAEL
 HEIDECKER IN SUPPORT OF
 PLAINTIFFS CISCO SYSTEMS, INC.'S
 AND CISCO TECHNOLOGY, INC.'S
 SUPPLEMENTAL BRIEF FOR MOTION
 FOR PRELIMINARY INJUNCTION**

Judge: Hon. Charles R. Breyer

21
 22 AND RELATED CROSS-ACTIONS
 23

24 I, Michael Heidecker, declare as follows:

25 1. I am the Anti-Counterfeiting Engineering and Forensics Lead – Brand Protection at
 26 Cisco Systems, Inc. I have been employed by Cisco since 2008. My job responsibilities include
 27 managing Cisco's global engineering team in support of authentications of products under test to
 28 determine if they are genuine or counterfeit. I manage a global team of engineers in the Americas,

1 Asia, and Europe. This declaration is based on my personal knowledge and/or information
2 contained in the normal business records of Cisco Systems, Inc. and Cisco Technology, Inc.
3 (together, “Cisco”) to which I have access as part of my job duties. If I were to be called as a
4 witness in this matter, I could and would testify competently to the matters discussed herein.

5 2. The primary duty of engineers within my program is to examine products to
6 determine if they are genuine or counterfeit. When Cisco engineers identify a product as
7 “counterfeit,” it is based on a determination that the product was not manufactured by Cisco.
8 Many counterfeits are “pure counterfeit,” in that their attributes (such as MAC address,
9 motherboard serial number, power supply serial number, or other component attributes) do not
10 match Cisco’s manufacturing records. “Pure counterfeits” were not manufactured by Cisco and
11 may have been put together as a complete counterfeit in a counterfeit manufacturing operation.
12 Another variety of counterfeits are what is described as “counterfeit upgrades,” which are products
13 that were initially manufactured by Cisco but then were changed by the counterfeiter, usually by
14 adding pirated software or additional components, or changing the product’s serial number and
15 labels, and then sold to the customer as a new, genuine enhanced Cisco product, when in reality it
16 was modified into something that Cisco did not manufacture. If a product was manufactured by
17 Cisco but was sold outside Cisco’s authorized sales channel without any changes, Cisco engineers
18 state their determination that the product is genuine. Cisco engineers document their engineering
19 findings in documents that are named Executive Summary Reports (or, “ESR”).

20 3. Cisco has confirmed, through extensive analysis of various products obtained from
21 Dexon’s customers, that many of the products that Dexon sold and claimed were genuine Cisco
22 products were actually counterfeit “Cisco”-branded products.

23 4. Because of the access restrictions that Dexon has placed on the documents it has
24 produced in this litigation, I do not have access to the names of specific customers for certain
25 products that Cisco engineers have tested. Counsel for Cisco has shared information from the
26 products—such as console readouts for switches and other chassis-based products, or EEPROM
27 information for transceivers—so that engineers can examine the data, without my team knowing
28 who the customers are that have the products.

1 5. Cisco engineers have determined that a total of 259 products sold by Dexon
2 between 2017 and today were examined and determined to be counterfeit. The cumulative value
3 of these products, based on their list price, is \$3,008,487. True and correct copies of the 75 ESRs
4 which reflect and detail the analyses of these products are attached hereto as Exhibit 1.

5 6. Transceivers are manufactured for Cisco by third parties, to Cisco's specifications.
6 These transceivers are labeled as Cisco transceivers, and the labels include Cisco trademarks.
7 When Cisco is asked to authenticate transceivers manufactured by third parties for Cisco, we send
8 the information to the third party and they prepare an ESR. True and correct copies of ESRs
9 prepared by third party manufacturers for products sold by Cisco with the Cisco trademarks are
10 included within **Exhibit 1**.

11 7. Included in the "Cisco" products sold by Dexon that were determined to be
12 counterfeit are the following particular models:

- 13 (a) Switches
- 14 (i) C9300-24T-E
- 15 (ii) C9300-48P-A
- 16 (iii) WS-C2960X-24PD-L
- 17 (iv) WS-C2960X-24PS-L
- 18 (v) WS-C2960-24TC-L
- 19 (vi) WS-C2960-24TD-L
- 20 (vii) WS-C2960X-48FPD-L
- 21 (viii) WS-C2960X-48FPS-L
- 22 (ix) WS-C2960X-48LPD-L
- 23 (x) WS-C2960X-48LPS-L
- 24 (xi) WS-C2960X-48TD-L
- 25 (xii) WS-C2960X-48TS-L
- 26 (xiii) WS-C3560X-24T-E
- 27 (xiv) WS-C3560X-48PF-E
- 28 (xv) WS-C3650-48FD-E

- 1 (xvi) WS-C3650-48PS-E
- 2 (xvii) WS-C3650-48PS-S
- 3 (xviii) WS-C3750-48P-S
- 4 (xix) WS-C3750X-48PF-S
- 5 (xx) WS-C3850-12X48U-S
- 6 (xxi) WS-C3850-24T-E
- 7 (xxii) WS-C3850-24U-E
- 8 (xxiii) WS-C3850-24XS-S
- 9 (xxiv) WS-C3850-48F-E
- 10 (xxv) WS-C3850-48F-S
- 11 (xxvi) WS-C3850-48P-S
- 12 (xxvii) WS-C3850-48T-E
- 13 (xxviii) WS-C3850-48U-S
- 14 (xxix) WS-C9300-24T-E
- 15 (b) Routers
- 16 (i) ISR4331-V/K9
- 17 (c) Transceivers
- 18 (i) GLC-LH-SM
- 19 (ii) GLC-LH-SMD
- 20 (iii) GLC-SX-MMD
- 21 (iv) GLC-T
- 22 (v) GLC-TE
- 23 (vi) QSFP-40G-ER4
- 24 (vii) QSFP-40G-LR4
- 25 (viii) SFP-10G-BXU-1
- 26 (ix) SFP-10G-LR
- 27 (x) SFP-10G-LRM
- 28 (xi) SFP-10G-SR

1 8. Cisco engineers have been making authenticity determinations since at least 2005,
2 and throughout the years that I have been employed by Cisco. Those determinations have been
3 shared with United States Customs to assist in their efforts to keep counterfeit products from being
4 imported into the United States, with law enforcement (such as FBI and Homeland Security) as
5 part of criminal investigations, with federal and state prosecutors as part of dozens of criminal
6 cases, and with defendants in civil cases. Evidence of Cisco engineers' determinations of
7 authenticity in the form of ESRs have been used by the federal government since at least 2005 for
8 Customs seizures, and in the conviction of dozens of individuals of the crime of trafficking in
9 counterfeit products.

10 9. Cisco developed the "Package Lookup Tool" (PLT) as a means to assist in the
11 quick and accurate determination of authenticity. Approximately two years ago, Cisco released a
12 web-based application of the PLT that can be downloaded onto an iPhone. The user hovers the
13 phone over the carton packout label on a Cisco product's box, and the application quickly captures
14 relevant information from the label that is then compares that data with Cisco's manufacturing
15 database to determine if the label is accurate. If the information matches, the application will
16 inform the user that the label is genuine; if the information on the label does not match the
17 information that was placed on the genuine label, the application will inform the user that the label
18 is counterfeit. This process—hovering the phone over the label and returning the determination--
19 takes a matter of seconds (usually less than five seconds). The federal government has been using
20 the PLT since 2018. See a true and correct copy of CBP press release, dated November 26, 2018,
21 attached at **Exhibit 2**.

22 10. Currently, the PLT is limited to Cisco products shipped with a packout label
23 affixed to the product shipment box. Cisco products that are shipped with packout labels include
24 switches, routers, and firewalls. Cisco is working on a similar tool used to authenticate transceiver
25 modules called the Module Lookup Tool (MLT), and I anticipate that a pilot version of this tool
26 will be completed this year. Once that is completed, it will be made available to users of the PLT.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed July 20,
2 2023 at Jackson, California.

3
4 Michael Heidecker
Michael Heidecker

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HEIDECKER DECLARATION

FILED UNDER SEAL

EXHIBIT 1

HEIDECKER DECLARATION

EXHIBIT 2

U.S. Customs and
Border Protection**Archived Content**

In an effort to keep [CBP.gov](https://www.cbp.gov) current, the archive contains content from a previous administration or is otherwise outdated.

CBP and Cisco Collaborate to Facilitate the Authentication of Cisco Shipments Entering US

Release Date: Mon, 11/26/2018

WASHINGTON—U.S. Customs and Border Protection (CBP) announced a new formal collaboration with Cisco today as part of the [Donations Acceptance Program](#).

Under its partnership with CBP, Cisco is donating barcode scanner devices as well as providing secured access to purpose-built tooling so that CBP officers and import specialists may quickly scan and verify the authenticity of Cisco merchandise entering the United States.

CBP and Cisco have deployed these tools to a limited number of international mail and express consignment facilities to confirm functionality and address technical issues, if any, before implementing on a larger scale. One such facility used the donated scanner/tooling suite during a special operation in August to seize 147 counterfeit Cisco-branded products, with a total MSRP of \$958,375. CBP and Cisco are currently exploring additional locations for further deployment.

The Donations Acceptance Program broadly enables CBP to accept donations of real property, personal property (including monetary donations), and non-personal services from public and private sector entities in support of CBP operations. Accepted donations may be used for port of entry construction, alterations, operations, and maintenance activities.

Public-private partnerships are a key component of CBP's [Resource Optimization Strategy](#) and allow CBP to provide new or expanded services and infrastructure at domestic ports of entry. For more information, visit www.cbp.gov/DAP.

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between official ports of entry. CBP is charged with securing the borders of the United States while enforcing hundreds of laws and facilitating lawful trade and travel.

Tags: [Donations Acceptance Program \(DAP\)](#), [Archive Media Releases](#)

Last Modified: May 27, 2022



Counterfeit goods seized by CBP through its partnership with Cisco.